



**DEPARTMENT OF SOCIAL SERVICES**  
DIVISION OF CHILD CARE SERVICES  
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March 15, 2013

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Greetings,

The Department of Social Services, Division of Child Care is reviewing child care regulations to ensure they are up to date and in line with current practice. This review also takes into consideration various suggestions received from child care providers solicited this past year. Changes are being proposed to the following two Administrative Rules of South Dakota (ARSD) Chapters that are pertinent to family child care registration:

**1. ARSD Chapter 67:42:01 Provision and Scope of Services.**

This chapter was replaced with a new Chapter 67:42:16 Scope of Services for Child Care Programs. Rules from Chapter 67:42:01 pertain to all types of licensed facilities. For better clarity, the new replacement Chapter 67:42:16 is proposed to be a stand-alone chapter pertinent only to child care programs.

**2. ARSD Chapter 67:42:03 Family Day Care Homes.**

This chapter is specific to family day care and contains various proposed updates and clarifications.

Proposed revisions from ARSD Chapters 67:42:01 and 67:42:03 requiring a change in current practice for family day care are as follows:

- 67:42:03:07.02 Training. Proposing to add CPR requirements for helpers prior to a helper being left alone to care for children. Removing the examples of two entities that provide CPR.
- 67:42:03:07.05 Qualifications of substitute provider. The qualifications of an individual who substitutes for the provider would include being at least 18 years of age, CPR trained, and having a Central Registry Child Abuse and Neglect screening. There is no cost for this screening.
- 67:42:03:08.01 Medications. Proposing additional documentation when administering medications to children in care to ensure proper dosage, times, etc. Repetitive language removed.
- 67:42:03:11.05 Water Supply. The requirement for a minimum water temperature is proposed to be deleted (currently 110 degrees). The rule would require the water temperature to not exceed 120 degrees. Deleted requirements for volume of water and temperature of water being required to meet household demands.



The following proposed revisions from ARSD Chapters 67:42:01 and 67:42:03 require no substantive change in practice. The revisions help clarify intent or increase flexibility for providers such as lifting the requirements for the size of chain links for fencing and modifying window exit requirements to be in line with local building codes.

67:42:03:01 Definitions; 67:42:03:04.01 Maximum number of children allowed; 67:42:03:06 Qualifications of a family day care provider; 67:42:03:07.01 Qualifications of helpers; 67:42:03:07.03 Staff records and hiring requirements; 67:42:03:07.04 Staff health requirements; 67:42:03:08 Health standards for children; 67:42:03:11.03 Exit requirements; 67:42:03:11.06 Heating system; 67:42:03:11.08 Food quality and storage; 67:42:03:11.10 Railings; 67:42:03:12 Sanitation requirements; 67:42:03:13 Nutrition requirements; 67:42:03:16 Discipline; 67:42:03:20 Water safety; 67:42:03:23 Sleeping arrangements; 67:42:16:01 Definitions; and 67:42:16:10 Denial of license or registration certificate.

The following rules in ARSD Chapters 67:42:01 and 67:42:03 are proposed to be omitted because they do not pertain to family day care, they are addressed elsewhere in law or rule, or they are no longer relevant. For example on- site visits to determine compliance is already addressed elsewhere in rule and reference to Civil rights is addressed in federal and state law.

67:42:01:04 Application for license or registration certificate; 67:42:01:06 Ability to provide care; 67:42:01:09 Validity of license or registration certificate; 67:42:01:10 Limitations on combining types of care; 67:42:01:11 On-site visits to determine compliance and evaluate activities; 67:42:01:13 Civil rights; 67:42:01:14 Provisional license or registration certificate; 67:42:01:17 Withdrawal of license or registration certificate; and 67:42:03:07.04 Staff health requirement.

Any other rules with proposed changes not addressed above contain only internal reference changes or minor language cleanup.

You may review the entire rule package with proposed changes at <http://dss.sd.gov/news/hearings/>. If you have any comments or additional input, please contact Carroll Forsch, Assistant Director, by April 5, 2013 at 605-773-4766. You may also submit your comments in writing to the Division of Child Care at 910 E. Sioux Avenue, Pierre, SD 57501 or via email to [Carroll.Forsch@state.sd.us](mailto:Carroll.Forsch@state.sd.us).

The next steps in this process will include a public hearing that will take place in the spring. A notice for this hearing will be placed on the Child Care Services website as well as in other publications as required by law.

Sincerely,

A handwritten signature in black ink that reads "Patricia Monson". The signature is fluid and cursive, with the first name "Patricia" and last name "Monson" clearly distinguishable.

Patricia Monson  
Division Director